

IN THE DISTRICT COURT IN AND FOR  
THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CASE NO.

JAMES DILORETO,

Plaintiff,

v.

ACCRETIVE HEALTH, INC. d/b/a MEDICAL  
FINANCIAL SOLUTIONS,

Defendant.

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**NATURE OF ACTION**

1. This is an action brought under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

**JURISDICTION AND VENUE**

2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b), where the acts and transactions giving rise to Plaintiff’s action occurred in this district, where Plaintiff resides in this district, and where Defendant transacts business in this district.

**PARTIES**

4. Plaintiff, JAMES DILORETO, is a “consumer” as defined by 15 U.S.C. § 1692a(3).

5. Defendant, ACCRETIVE HEALTH, INC. d/b/a MEDICAL FINANCIAL SOLUTIONS, (“Defendant”) or (“Accretive”) is a corporation who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

**FACTUAL ALLEGATIONS**

7. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

8. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes.

9. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another

10. In connection with collection of an alleged debt in default, Defendant called Plaintiff's cellular telephone on June 16, 2011 at 9:35 A.M., and at such time, Defendant left a voicemail message which failed to notify Plaintiff that the communication was from a debt collector.

11. Defendant's voicemail message of June 16, 2011 conveyed a false sense of urgency with regard to said call for the purpose of compelling Plaintiff to communicate with a debt collector, including, but not limited to, stating twice “This is a time sensitive message from Medical Financial Solutions.”

**COUNT I**

12. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 11.

13. Defendant violated 15 U.S.C. § 1692e(10) by using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated 15 U.S.C. § 1692e(10);
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

## **COUNT II**

14. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 11.

15. Defendant violated 15 U.S.C. § 1692e(11) by failing to notify Plaintiff during each collection contact that the communication was from a debt collector.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated 15 U.S.C. § 1692e(11);
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;

- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

**TRIAL BY JURY**

16. Plaintiff is entitled to and hereby demands a trial by jury.

Respectfully submitted this \_\_\_\_ day of September, 2011.

Respectfully submitted,  
**JAMES DILORETO**

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